





UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/782,794	02/13/2001	Michael K. Kwan	07078-003003	9975	
26181	7590 09/24/2002				
FISH & RICHARDSON P.C.			EXAMINER		
500 ARGUELLO STREET, SUITE 500 REDWOOD CITY, CA 94063			BLANCO, J	BLANCO, JAVIER G	
			ART UNIT	PAPER NUMBER	
			3738	1 0	
			DATE MAILED: 09/24/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

1997	Application No.	Applicant(s)				
Office Action Summary	09/782,794	KWAN ET AL.				
Office Action Summary	Examiner	Art Unit				
	Javier G. Blanco	3738				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a rep - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b). Status	136(a). In no event, however, may a reply be timely within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from the application to become ARADONE.	nely filed s will be considered timely. the mailing date of this communication.				
1) Responsive to communication(s) filed on 02.	luly 2002					
	is action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims						
4)⊠ Claim(s) <u>19,20,24 and 25</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>19,20,24 and 25</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
14)⊠ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
a) The translation of the foreign language prov 15) Acknowledgment is made of a claim for domestic	sional application has been receive	ved.				
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal Pate	TO-413) Paper No(s) ent Application (PTO-152)				
U.S. Patent and Trademark Office PTO-326 (Rev. 04-01) Office Actio	on Summary	Part of Paper No. 10				



Application/Control Number: 09/782,794

Art Unit: 3738

DETAILED ACTION

Response to Amendment

1. Applicant's cancellation of claims 1-18 and 21-23 in Paper No. 9 (Amendment) is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

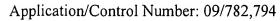
A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 19, 20, 24, and 25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rhee et al. (US 5,264,214). Rhee et al. disclose the method of bone repair comprising applying a porous, biodegradable, three-dimensionally stable matrix having shape retention comprising fibrillar collagen, polyethylene glycol (or gelatin), and hydroxyapatite (see column 4, lines 62-68; column 5, lines 3-6 and lines 18-21; column 6, lines 55-59; column 7, lines 37-45 and lines 65-68).

Response to Arguments

4. Regarding 102(b) rejection over Rhee et al., Applicant's arguments filed July 2, 2002 have been fully considered but they are not persuasive. As presented in the claim language of claim 19, Rhee et al. teach a porous, biodegradable, three-dimensionally stable matrix





Art Unit: 3738

comprising a water-insoluble mineralized biopolymer (i.e., fibrillar collagen) and a water-insoluble binder (i.e., polyethylene glycol or gelatin). Said mineral comprises hydroxyapatite.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javier G. Blanco whose telephone number is 703-605-4259. The examiner can normally be reached on M-F (7:00 a.m.-4:30 p.m.), first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on 703-308-2111. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

IGR

September 20, 2002

David H. Willse Primary Examiner